

RESOLUTION NO. 16-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTSVILLE, ALABAMA:

WHEREAS, Sara B. Batson, Steven B. Fair and wife, Sara B. Fair, are the Owners of the lands abutting a right-of-way lying within the City of Huntsville, Alabama, which said right-of-way is described as follows, to-wit:

SEE ATTACHED EXHIBIT A

WHEREAS, the abovesaid Owners have executed a Declaration of their intent and desire, attached hereto as Exhibit "B," that right-of-way above described be abandoned by the City of Huntsville; and desires to divest any and all right, title and interest which the public may have in and to said portion of the right-of-way so described, acquired by virtue of the dedication of said right-of-way to the City of Huntsville, Alabama;

WHEREAS, the Owners have represented to the City Council of the City of Huntsville, Alabama, and the City Council, based upon such representation does find:

1. That the retention of said right-of-way will not benefit the City of Huntsville, Alabama; and
2. That convenient and adequate means of ingress and egress is available to all owners of surrounding property, such being afforded by virtue of other streets, easements, avenues and alleys; and
3. That the abutting property owners represent that no owner of property served by the right-of-way being vacated (or of property within the subdivision where the right-of-way lies) objects to the vacation of the right-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the City of Huntsville, Alabama, does hereby declare the above described right-of-way to be abandoned.

ADOPTED, this the 14th day of July, 2016.

President of the City Council
Of the City of Huntsville, Alabama

APPROVED, this the 14th day of July, 2016.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
)
 COUNTY OF MADISON)

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Sara B. Batson, a single person, Steven Boyd Fair and wife, Sara Beth Fair, desiring to vacate that certain right-of-way hereinafter described, say as follows:

1. That the said Owners are the owners of a portion of the land abutting the hereinafter described right-of-way; and
2. WHEREAS, convenient and reasonable means of ingress and egress are available to the owner of the surrounding property; and
3. WHEREAS, the said right-of-way, hereinafter described, is situated within the corporate limits of the City of Huntsville, Alabama, and was heretofore dedicated to said City; and
4. WHEREAS, the undersigned, by this instrument, declare their intent to vacate the said right-of-way, hereinafter described; and
5. WHEREAS, it is necessary for the City of Huntsville, Alabama to retain an easement for utilities and drainage over the real estate described below.

NOW, THEREFORE, the undersigned, as the owner of a portion of the property abutting the said right-of-way hereinafter described, do hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said easement vacated and assenting to the vacation of the following described right-of-way, being described, as follows:

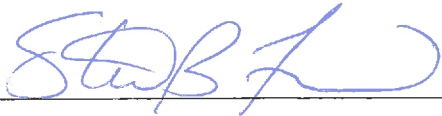
LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

The above-described property shall remain subject to an easement for utilities and drainage in favor of the City of Huntsville, Alabama.

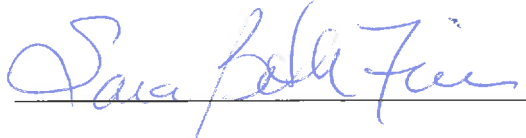
IN WITNESS WHEREOF, the undersigned owners of a portion of property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 24 day of May, 2016.



Name: Sara B. Batson



Name: Steven Boyd Fair

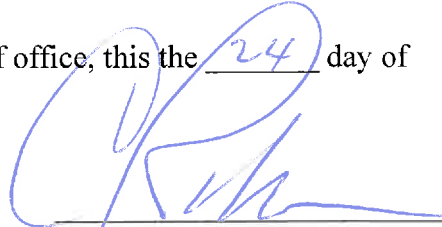


Name: Sara Beth Fair

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned Notary Public in and for said County in said State, hereby certify that Sara B. Batson, Steven Boyd Fair, and wife, Sara Beth Fair, whose names are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same on the day the same bears date.

Given under my hand and official seal of office, this the 24 day of May, 2016.



Notary Public/Charles G. Robinson
My Commission Expires: 11/13/16.

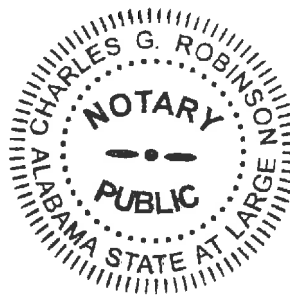


EXHIBIT "A"

ALL THAT PART OF LOOKOUT DRIVE, FORMERLY KNOWN AS "A" STREET, LYING EAST OF FERN STREET AND BEING A PART OF TOWN OF VIDUTA ON MONTE SANO MOUNTAIN SUBDIVISION AS SHOWN IN CHANCERY RECORD "S", PAGE 81 IN MADISON COUNTY, ALABAMA. PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 10 OF SAID SUBDIVISION; SAID POINT IS FURTHER DESCRIBED AS BEING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY MARGIN OF LOOKOUT DRIVE WITH THE EAST RIGHT OF WAY MARGIN OF FERN STREET;

THENCE FROM THE POINT OF BEGINNING NORTH 00 DEGREES 54 MINUTES 00 SECONDS EAST ALONG THE EAST RIGHT OF WAY MARGIN OF SAID FERN STREET A DISTANCE OF 66.03 FEET; TO THE SOUTHWEST CORNER OF LOT 1 OF SAID TOWN OF VIDUTA ON MONTE SANO MOUNTAIN SUBDIVISION AND THE SOUTH RIGHT OF WAY MARGIN OF SAID LOOKOUT DRIVE;

THENCE ALONG THE SOUTH RIGHT OF WAY MARGIN OF SAID LOOKOUT DRIVE AND THE SOUTH BOUNDARY LINE OF SAID LOT 1, NORTH 89 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 209.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00 DEGREES 54 MINUTES 00 SECONDS WEST 66.03 FEET TO THE SOUTH RIGHT OF WAY MARGIN OF SAID LOOKOUT DRIVE AT THE NORTHEAST CORNER OF LOT 9 OF SAID SUBDIVISION; THENCE ALONG THE SOUTH RIGHT OF WAY MARGIN OF LOOKOUT DRIVE, SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST 209.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.32 ACRE, MORE OR LESS.